

REMARKS

Applicants respectfully request reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3, 6, and 8-23 are pending in the application. Claims 4, 5, and 7 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1-3, 6, 8, 10, 11, 14, and 17-20 have been amended, and claims 21-23 are newly added. Support for the claim amendments and additions can be found in the original disclosure as filed. No new matter has been added.

Statement of Substance of Interview

Initially, Applicants wish to thank the Examiner for conducting a telephonic interview with Applicants' representative, David A. Divine, on July 11, 2005. During the interview, the Examiner indicated that there was a typographical error on page 3 of the Office Action, and that "Application No. 10/695,743" should read --Application No. 10/695,573--. The Examiner also acknowledged that the double patenting rejection should be a provisional obviousness-type double patenting rejection, since it is based on two pending applications.

Drawing Objection

In the Office Action, the drawings were objected to as failing to show the rectangular body portion recited in claim 7. The drawings have been amended to add new FIG. 2A to illustrate the rectangular body portion, and a brief description of FIG. 2A has been added to the specification. Since this feature was fully described in the original specification, including original claim 7, no new matter has been added.

Art Rejections

In the Office Action, claims 1, 2, 4, 10, and 17-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,154,963 (Kooiman). Claims 11, 12, and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,395,957 (Griffin). Claims 3, 5-7, and 9 were rejected under 35 U.S.C. § 103(a) as being obvious over Kooiman. Claim 13 was rejected under 35 U.S.C. § 103(a) as being obvious over Griffin. Claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as being obvious over, Kooiman. These rejections are respectfully traversed. Nevertheless, without conceding the propriety of the rejections, independent claims 1, 11, and 17 have been amended to even more clearly recite features of Applicants' invention.

Independent Claim 1, as presently presented, is directed to a cutting guide and recites, among other things, a body portion having a leading edge, a trailing edge, and an opening therethrough, the opening having a continuous perimeter defined by the body portion, and an engagement portion concentrically attached to the body portion. Claim 1 also recites that the opening in the body portion is adapted to accept a portion of a user's hand, such that pressure can be applied by the user to a portion of the guide inside the opening to hold the engagement portion in contact with the material.

Kooiman fails to disclose or suggest such features. Kooiman discloses a saw guide for annularly corrugated cables. The saw guide of Kooiman is generally C-shaped and is made of plastic (Kooiman, col. 3, ln. 4-5). A groove, provided in the axial end of the saw guide, is provided to improve the manufacturability of the saw guide (Kooiman, col. 3, ln. 59-64). However, Kooiman fails to disclose or suggest "a body portion having . . . an opening

therethrough, the opening having a continuous perimeter defined by the body portion,” as now recited in claim 1. Kooiman also does not disclose or suggest that “the opening in the body portion is adapted to accept a portion of a user's hand, such that pressure can be applied by the user to a portion of the guide inside the opening to hold the engagement portion in contact with the material,” as presently recited in claim 1. Accordingly, Applicants submit that claim 1 is allowable over the Kooiman patent.

Independent claim 17 is directed to a cutting guide, and recites features similar to those of claim 1 discussed above. Accordingly, Applicants submit that claim 17 is allowable for at least the same reasons discussed above with respect to independent claim 1.

Independent Claim 11, as presently presented, is directed to a saw and recites, among other things, a cutting guide held by the cutting guide holder, the cutting guide comprising a body portion having a leading edge, a trailing edge, and an opening therethrough, the opening having a continuous perimeter defined by the body portion, and an engagement portion concentrically attached to the body portion.

Griffin fails to disclose or suggest such features. Griffin discloses a handsaw that can be used as a square and that has a pencil holder. The pencil holder includes a U-shaped member secured at each end to the saw handle, and a spring having downwardly bowed portions and outwardly curved extremities (Griffin, ln. 52-61). However, Griffin fails to disclose a saw having a cutting guide held by the cutting guide holder, the cutting guide comprising a body portion having a leading edge, a trailing edge, and an opening therethrough, the opening having a continuous perimeter defined by the body portion, and an engagement portion concentrically attached to the body portion, as presently recited in independent claim 11. Accordingly, Applicants submit that claim 11 is allowable over the Griffin patent.

Dependent claims 2, 3, 6, 8-10, 12-16, and 18-23 are also allowable for the same reasons as the respective independent claims from which they depend, as well as for additional features that they recite. In one particular, claims 2 and 20 recite that “the engagement portion is constructed of a non-slip or tacky substance.” In another particular, claim 8 recites “a groove disposed in an outer surface of the body portion on the leading or trailing edge of the body portion, the groove being configured to fit in a cutting guide holder attached to a saw.” In still another particular, claim 10 recites that “the engagement portion is removably attached to the body portion.” In yet another particular, claim 14 recites that “the raised portions are attached to the handle on each lateral side of the handle.” None of the cited documents discloses such features of the present invention. Individual consideration of each dependent claim is requested.

Double Patenting Rejection

Claims 1-20 were rejected as conflicting with claims 1-23 of Application No. 10/718,460 and with claims 1-12 of Application No. 10/695,573. As noted above, the Examiner confirmed over the telephone that the double patenting rejections should be provisional obviousness-type double patenting rejections. Applicants respectfully traverse these rejections. Nevertheless, without conceding the propriety of the rejections, independent claims 1, 11, and 17 of the subject application have been amended herein. Applicants also note that subsequent to the Office Action, claims 1-23 of Application No. 10/718,460 and claims 1-12 of Application No. 10/695,573 have also been amended. Applicants submit that claims 1-20 of the subject application as presently presented are patentably distinct from claims 1-23 of Application No. 10/718,460 and claims 1-12 of Application No. 10/695,573.

In addition, since this is a provisional rejection based on two pending applications, Applicants respectfully request that if the double patenting rejection is to be maintained, that the rejection be held in abeyance until the application is otherwise in condition for allowance.

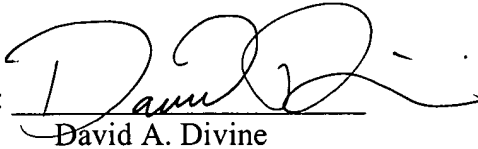
Conclusion

For at least the foregoing reasons, claims 1-3, 6, and 8-23 are in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the objection and rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner**
is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Date: 8/8/05

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IN THE DRAWINGS

Please substitute the enclosed Replacement Sheet of Drawings for the corresponding originally filed drawing sheet.

A new figure, FIG. 2A, has been added to show the rectangular embodiment, as required by the Office Action. This feature is clearly described in the original specification as filed.

Therefore, no new matter has been added.